

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

- - -

Harry G. Beyoglides, Jr.,  
Special Administrator of the  
Estate of Robert Andrew  
Richardson, Sr., Deceased,  
Plaintiff,

vs.

Case No. 3:14-CV-00158

Phil Plummer/Montgomery County  
Sheriff, et al.,  
Defendants

- - -

DEPOSITION OF BRADLEY MARSHALL  
the Defendant herein, called by the Plaintiff under the  
applicable Rules of Civil Procedure, taken before me,  
Whitney Layne, a Notary Public for the State of Ohio, at  
the law firm of Dinkler & Pregon, 5335 Far Hills Avenue,  
Suite 117, Dayton, Ohio 45429 on December 9, 2015 at  
3:30 p.m.

LAYNE & ASSOCIATES  
6723 COOPERSTONE DRIVE  
DUBLIN, OHIO 43017  
614-309-1669

<p>1 APPEARANCES</p> <p>2</p> <p>3 NICHOLAS DICELLO, ESQUIRE</p> <p>4 SPANGENBERG, SHIBLEY &amp; LIBER</p> <p>5 1001 Lakeside Avenue</p> <p>6 Suite 1700</p> <p>7 Cleveland, Ohio 44114</p> <p>8 on behalf of the Plaintiff</p> <p>9</p> <p>10 JAMEY PREGON, ESQUIRE</p> <p>11 DINKLER &amp; PREGON</p> <p>12 5335 Far Hills Avenue</p> <p>13 Suite 123</p> <p>14 Dayton, Ohio 45429</p> <p>15 on behalf of the Sheriff</p> <p>16 Defendants</p> <p>17</p> <p>18 CARRIE STARTS, ESQUIRE</p> <p>19 REMINGER CO., LPA</p> <p>20 525 Vine Street</p> <p>21 Suite 1700</p> <p>22 Cincinnati, Ohio 45202</p> <p>23 on behalf of the Defendants</p> <p>24 NaphCare, Inc., Nurse Felicia Foster,</p> <p>Nurse Jon Boehringer, Nurse Krisandra</p> <p>Miles, Medic Steven Stockhauser,</p> <p>and Brenda Garrett Ellis, M.D.</p> <p>Page 2</p>	<p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 BRADLEY MARSHALL</p> <p>4 BY MR. DICELLO.....Page 5</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 4</p>
<p>1 December 9, 2015</p> <p>2 Wednesday Session</p> <p>3 3:30 p.m.</p> <p>4 - - -</p> <p>5 STIPULATIONS</p> <p>6</p> <p>7 It is stipulated by and among counsel for the</p> <p>8 respective parties that the deposition of BRADLEY</p> <p>9 MARSHALL, the Defendant herein, called by the Plaintiff</p> <p>10 under the applicable Rules of Civil Procedure, may be</p> <p>11 taken at this time by the notary Whitney Layne; that said</p> <p>12 deposition may be reduced to writing in stenotypy by the</p> <p>13 notary, whose notes thereafter may be transcribed out of</p> <p>14 the presence of the witness; and that the proof of the</p> <p>15 official character and qualification of the notary is</p> <p>16 waived.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 3</p>	<p>1 BRADLEY MARSHALL</p> <p>2 Being first duly sworn, as hereinafter</p> <p>3 certified, deposes and says as follows:</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Good afternoon. Could you state your name for</p> <p>7 our court reporter and can you spell your last name,</p> <p>8 please?</p> <p>9 A Bradley Michael Marshall, M-A-R-S-H-A-L-L.</p> <p>10 Q Mr. Marshall, my name is Nick DiCello. We just</p> <p>11 met off the record. You understand you're here to have</p> <p>12 your deposition taken today?</p> <p>13 A I do.</p> <p>14 Q Ever been deposed before?</p> <p>15 A No.</p> <p>16 Q By way of introduction, I represent the family</p> <p>17 of Robert Richardson, who died while in the care, custody,</p> <p>18 and control of the Montgomery County Jail back in 2012.</p> <p>19 Do you understand that?</p> <p>20 A I do.</p> <p>21 Q Do you understand a lawsuit has been filed on</p> <p>22 behalf of his family members against yourself, against the</p> <p>23 county, against NaphCare, and some other individuals?</p> <p>24 A I do.</p> <p>Page 5</p>

1 Q Do you understand that today's deposition is  
2 being taken in connection with that pending federal  
3 lawsuit?  
4 A I do.  
5 Q A couple ground rules just to make sure we get  
6 an accurate record. Whitney is taking everything that we  
7 say down. We have to wait for each other to stop talking.  
8 She can only take one at a time. So please wait for me to  
9 finish my question. Even though you know what I'm going  
10 to ask, wait for me to finish and I'll wait for you to  
11 finish. Understood?  
12 A I do.  
13 Q The way this will go is I'll ask the questions  
14 and you'll provide the answers. Understood?  
15 A I do.  
16 Q If you don't understand a question that I've  
17 asked, I want you to tell me that, okay?  
18 A Okay.  
19 Q Given that arrangement, if you answer a  
20 question that I've asked you, I'm going to assume you  
21 understood it; is that fair?  
22 A Yes.  
23 Q It's also important to remember to answer with  
24 words; yes, no, or an explanation as opposed to shrugs of

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1 the shoulders, uh-huhs and huh-uhs, okay?  
2 A Okay.  
3 Q One of us may remind you if you fall into habit  
4 of saying uh-huh or something like that. It happens to  
5 everybody.  
6 Do you understand you're under oath today, sir?  
7 A I do.  
8 Q Have you ever testified in a court?  
9 A Yes.  
10 Q And you understand the oath you're under today  
11 is the same oath that you take when you testify in front  
12 of a judge and a jury in a court of law?  
13 A Yes.  
14 Q Any reason you couldn't answer honestly and  
15 truthfully today?  
16 A No.  
17 Q You understand that there are penalties  
18 associated with giving dishonest answers under oath?  
19 A I do.  
20 Q Criminal and civil?  
21 A I do.  
22 Q If at any time today something jogs your  
23 memory -- We're going to be talking about things that  
24 happened a few years back. So if ten minutes from now

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1 your memory gets jogged about a question that I've asked  
2 and you want to revisit the question and supplement your  
3 answer or change it, I want you to take the opportunity to  
4 do that today during the deposition, okay?  
5 A All right.  
6 Q And do you understand, sir, that I'm going to  
7 be relying on the accuracy of the answers you give me  
8 today in connection with this lawsuit?  
9 A I do.  
10 Q Just a little bit of background information,  
11 Mr. Marshall. It's not to pry into your personal life,  
12 but just to get some background on you. Are you from this  
13 area?  
14 A I am.  
15 Q Whereabouts?  
16 A West Carrollton.  
17 Q Did you attend high school in West Carrollton?  
18 A I did.  
19 Q What year did you graduate?  
20 A 2010.  
21 Q What is your date of birth?  
22 MR. PREGON: Let's go off the record for that.  
23 MR. DICELLO: Sure.  
24 (Discussion held off the record.)

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1 BY MR. DICELLO:  
2 Q How long have you been employed as a  
3 corrections officer at the Montgomery County Jail?  
4 A Four years.  
5 Q What was your start date?  
6 A December 2011.  
7 Q So as of the time of Mr. Richardson's death at  
8 the jail, you had been working there for about six to  
9 seven months?  
10 A That's correct.  
11 Q Any formal education after high school?  
12 A Besides corrections training, no.  
13 Q When did you know you wanted to become a  
14 corrections officer?  
15 A Honestly, I wanted to become a police officer  
16 first, and I knew that becoming a corrections officer was  
17 a foot in the door.  
18 Q So when did you decide you wanted to become a  
19 police officer?  
20 A I would say probably after high school, around  
21 age 18.  
22 Q And tell me a little bit about why you wanted  
23 to pursue a career as a police officer in law enforcement?  
24 A It always interested me. My family was on the

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<p>1 opposite side of the law when I grew up, so I wanted to be</p> <p>2 on the other hand of that.</p> <p>3 <b>Q Okay, that's a good reason. Are you still</b></p> <p>4 <b>trying to pursue a career in law enforcement as a police</b></p> <p>5 <b>officer?</b></p> <p>6 A Yes.</p> <p>7 <b>Q May 19th, 2012 was a Saturday. I'm going to</b></p> <p>8 <b>ask you about what documents or anything you reviewed</b></p> <p>9 <b>before today's deposition. But my first question is: Do</b></p> <p>10 <b>you have a memory of that day?</b></p> <p>11 A Yes.</p> <p>12 <b>Q Do you have a memory of the episode that</b></p> <p>13 <b>involved Mr. Richardson?</b></p> <p>14 A I do.</p> <p>15 <b>Q Prior to May 19th, 2012, do you know if you had</b></p> <p>16 <b>ever met Mr. Richardson before?</b></p> <p>17 A No.</p> <p>18 <b>Q Now, what if anything did you do to prepare for</b></p> <p>19 <b>today's deposition?</b></p> <p>20 MR. PREGON: Outside of meeting with counsel.</p> <p>21 A I reviewed my report that I generated on that</p> <p>22 day.</p> <p>23 BY MR. DICELLO:</p> <p>24 <b>Q The Tiburon?</b></p> <p style="text-align: right;">Page 10</p>	<p>1 the platform to see where I would be at that shift.</p> <p>2 <b>Q So as of the time that you heard the radio</b></p> <p>3 <b>broadcast requesting officers to respond to D Pod, had you</b></p> <p>4 <b>yet been assigned to a post?</b></p> <p>5 A I would have, yes. But I wouldn't have taken</p> <p>6 over until 15:30 hours or 3:30.</p> <p>7 <b>Q What was your assignment on May 19th, 2012?</b></p> <p>8 A Third floor officer.</p> <p>9 <b>Q Is that in a particular pod, or no?</b></p> <p>10 A It's a -- We've got the pod housing and then</p> <p>11 we've got rollover housing, higher -- higher risk or</p> <p>12 charged inmates, it would be -- we've got third, fourth</p> <p>13 floor, those are male inmates that have higher charges in</p> <p>14 the facility.</p> <p>15 <b>Q Is that the linear complex?</b></p> <p>16 A Yes.</p> <p>17 <b>Q As of May 2012, were you still in the training?</b></p> <p>18 A No.</p> <p>19 <b>Q Is there a training period that you undergo</b></p> <p>20 <b>when you first hire on with the jail?</b></p> <p>21 A Yes.</p> <p>22 <b>Q How long does that last?</b></p> <p>23 A Thirty working days.</p> <p>24 <b>Q Do you remember what your start date was in</b></p> <p style="text-align: right;">Page 12</p>
<p>1 A Yes.</p> <p>2 <b>Q Did you review the video?</b></p> <p>3 A Yes.</p> <p>4 <b>Q Anything else?</b></p> <p>5 A That's it.</p> <p>6 <b>Q Prior to this lawsuit being filed, it was filed</b></p> <p>7 <b>in May of 2014, it takes a while for things to wind</b></p> <p>8 <b>through the system, but had you reviewed the video at any</b></p> <p>9 <b>time prior to a lawsuit being filed?</b></p> <p>10 A No.</p> <p>11 <b>Q Did any of your supervisors ever instruct you</b></p> <p>12 <b>to watch the video?</b></p> <p>13 A No.</p> <p>14 <b>Q Were you ever interviewed by any investigators</b></p> <p>15 <b>about what happened to Mr. Richardson?</b></p> <p>16 A No.</p> <p>17 <b>Q Do you recall what shift you were working on</b></p> <p>18 <b>May 19th, 2012?</b></p> <p>19 A I would have been third shift, but the incident</p> <p>20 took place on second watch between shift change.</p> <p>21 <b>Q By habit and practice, what time did you arrive</b></p> <p>22 <b>to work when you were working third shift on a Saturday?</b></p> <p>23 A I would have arrived at around three p.m.,</p> <p>24 gotten dressed in the locker room, and then reported to</p> <p style="text-align: right;">Page 11</p>	<p>1 <b>December of 2011?</b></p> <p>2 A I do not.</p> <p>3 <b>Q Do you remember if it was early in the month or</b></p> <p>4 <b>late in the month?</b></p> <p>5 A I believe it was earlier in the month.</p> <p>6 <b>Q So fair to say sometime in early January of</b></p> <p>7 <b>2012 you would have completed your training portion</b></p> <p>8 <b>orientation; correct?</b></p> <p>9 A That's correct.</p> <p>10 <b>Q How old were you as of -- I should be able to</b></p> <p>11 <b>do the math. But how old were you as of May of 2012?</b></p> <p>12 A Nineteen.</p> <p>13 <b>Q Any criminal history?</b></p> <p>14 A No.</p> <p>15 <b>Q Your current rank is still corrections officer?</b></p> <p>16 A That's correct.</p> <p>17 <b>Q Mr. Marshall, I'm going to ask you some</b></p> <p>18 <b>questions about what you remember happening vis-a-vis the</b></p> <p>19 <b>incident with Mr. Richardson. Before we get to that, I</b></p> <p>20 <b>want to ask some general questions about some more general</b></p> <p>21 <b>topics, okay?</b></p> <p>22 A All right.</p> <p>23 <b>Q Do you understand or do you agree that</b></p> <p>24 <b>corrections officers must never apply restraints to a</b></p> <p style="text-align: right;">Page 13</p>

<p>1 member of the community who is detained at the Montgomery</p> <p>2 County Jail in a way that could restrict his or her</p> <p>3 breathing?</p> <p>4 A I do.</p> <p>5 Q That's a rule at the jail; right?</p> <p>6 A I believe so.</p> <p>7 Q So one of the jobs of the COs at the jail is to</p> <p>8 make sure that members of the community who find</p> <p>9 themselves detained in the jail are not restrained in ways</p> <p>10 that could restrict their breathing; correct?</p> <p>11 A That's correct.</p> <p>12 Q And I think you indicated that you've had your</p> <p>13 own family members who have been detained at the county</p> <p>14 jail, haven't you?</p> <p>15 MR. PREGON: Objection.</p> <p>16 A Uh-huh.</p> <p>17 BY MR. DICELLO:</p> <p>18 Q Yes?</p> <p>19 A I have.</p> <p>20 Q And your family members are loved members of</p> <p>21 the community like other people who find themselves</p> <p>22 detained there from time to time; true?</p> <p>23 A That's correct.</p> <p>24 Q Do you understand that the rule that applies at</p> <p style="text-align: right;">Page 14</p>	<p>1 handcuffs with their hands cuffed behind their back in a</p> <p>2 prone position is never an acceptable practice and is</p> <p>3 prohibited; do you agree?</p> <p>4 A No.</p> <p>5 Q You disagree with that?</p> <p>6 A Yes.</p> <p>7 Q So your testimony is that it is acceptable and</p> <p>8 it is permissible to put members of the community who are</p> <p>9 in restraints with their hands cuffed behind their back in</p> <p>10 a prone position; correct?</p> <p>11 MR. PREGON: Objection.</p> <p>12 A In certain circumstances, yes.</p> <p>13 BY MR. DICELLO:</p> <p>14 Q Are those circumstances limited to applying the</p> <p>15 restraints?</p> <p>16 A No.</p> <p>17 Q So you understand that even after the</p> <p>18 restraints are applied that corrections officers at the</p> <p>19 Montgomery County Jail can continue to restrain members of</p> <p>20 the community in a prone position; true?</p> <p>21 MR. PREGON: Objection.</p> <p>22 A I would say that we can place them on the</p> <p>23 ground. It depends on the situation that is evolving. We</p> <p>24 have inmates that come in the facility, you know, multiple</p> <p style="text-align: right;">Page 16</p>
<p>1 the jail is that corrections officers must only use force</p> <p>2 that is reasonably necessary under the circumstances?</p> <p>3 A I do.</p> <p>4 Q That's another rule; correct?</p> <p>5 A That is correct.</p> <p>6 Q So one of the jobs of corrections staff at the</p> <p>7 Montgomery County Jail is to make sure that they never use</p> <p>8 force that is unreasonable or unnecessary; true?</p> <p>9 A That's correct.</p> <p>10 Q And isn't another job that if a corrections</p> <p>11 officer sees another corrections officer engaging in</p> <p>12 unnecessary or unreasonable force that you have to</p> <p>13 intervene; true?</p> <p>14 A Yes.</p> <p>15 Q Do you agree that force that is unnecessary</p> <p>16 under the circumstances is excessive?</p> <p>17 A Yes.</p> <p>18 MR. PREGON: Objection; legal conclusion.</p> <p>19 Go ahead.</p> <p>20 BY MR. DICELLO:</p> <p>21 Q The answer is yes?</p> <p>22 A Yes.</p> <p>23 Q Another asking you if you agree, this is</p> <p>24 another rule: Placing members of the community who are in</p> <p style="text-align: right;">Page 15</p>	<p>1 times a day, that are entering the facility uncooperative.</p> <p>2 We have to search them before they come in. And sometimes</p> <p>3 they don't allow us to do that. So we have to place those</p> <p>4 inmates on the ground, while they're still in restraints,</p> <p>5 to complete a search to make sure they don't have any</p> <p>6 weapons, drugs, or anything that they cannot enter the</p> <p>7 facility with. And then after completing that search, we</p> <p>8 would move them to another -- it would be a cell on the</p> <p>9 first floor.</p> <p>10 BY MR. DICELLO:</p> <p>11 Q Okay.</p> <p>12 A And we would place them on their stomach to</p> <p>13 remove the cuffs, to put them in a position of</p> <p>14 disadvantage, that way they don't assault staff because</p> <p>15 they're entering the facility uncooperative.</p> <p>16 Q So it sounds to me like you just described some</p> <p>17 circumstances where you believe handcuffing behind the</p> <p>18 back and restraining in a prone position is acceptable;</p> <p>19 correct?</p> <p>20 A That's correct.</p> <p>21 Q Any other circumstances other than those that</p> <p>22 you just described where you believe it's acceptable and</p> <p>23 permissible to continue to restrain somebody in a prone</p> <p>24 position with their hands cuffed behind their back after</p> <p style="text-align: right;">Page 17</p>

<p>1     <b>the restraints are applied?</b></p> <p>2         A    I could think of a million different scenarios.</p> <p>3     We've had fights where, you know, we've had to go in and</p> <p>4     have inmates lay on their stomachs, go in, cuff them, and</p> <p>5     then remove them from the cell. You know, there's --</p> <p>6         <b>Q    If I can interrupt. I appreciate that. It</b></p> <p>7     <b>sounds to me like in the situation you just described, as</b></p> <p>8     <b>soon as you apply the cuffs, you get them off their belly</b></p> <p>9     <b>and you get them out of their cell; correct?</b></p> <p>10        A    In most circumstances, yes.</p> <p>11        <b>Q    As you sit here today, can you think of any</b></p> <p>12     <b>circumstances, outside of the ones you just described,</b></p> <p>13     <b>where after the cuffs are applied and somebody is placed</b></p> <p>14     <b>in a prone position to apply the cuffs with their hands</b></p> <p>15     <b>cuffed behind their back, that it's acceptable and</b></p> <p>16     <b>permissible to continue to restrain them in that position?</b></p> <p>17        A    No.</p> <p>18        <b>Q    Officer Marshall, do you agree that corrections</b></p> <p>19     <b>officers must never restrain members of the community who</b></p> <p>20     <b>are in the Montgomery County Jail in a way that poses an</b></p> <p>21     <b>unnecessary risk of death?</b></p> <p>22        A    Yes.</p> <p>23        <b>Q    And when a corrections officer like yourself</b></p> <p>24     <b>has two or more reasonable ways to go about restraining a</b></p> <p style="text-align: right;">Page 18</p>	<p>1         A    Yes.</p> <p>2         <b>Q    What do you do; bench press, squat, all that</b></p> <p>3     <b>stuff?</b></p> <p>4         A    Yes.</p> <p>5         <b>Q    How much can you bench press?</b></p> <p>6         A    Around 315.</p> <p>7         <b>Q    How much can you squat?</b></p> <p>8         A    A lot less than that. I'd say about 300.</p> <p>9         <b>Q    How many times a week do you work out?</b></p> <p>10        A    About five times a week.</p> <p>11        <b>Q    All right. Do you feel like you can handle</b></p> <p>12     <b>yourself?</b></p> <p>13        A    Yes.</p> <p>14        <b>Q    Have you been trained that the prone restraint</b></p> <p>15     <b>position where somebody is on their belly with their hands</b></p> <p>16     <b>cuffed behind their back while being restrained is a</b></p> <p>17     <b>potentially dangerous and lethal position?</b></p> <p>18           MR. PREGON: Object to form.</p> <p>19           Go ahead.</p> <p>20        A    Yes.</p> <p>21     BY MR. DICELLO:</p> <p>22        <b>Q    So tell me about what kind of training you've</b></p> <p>23     <b>had that you remember where you learned that.</b></p> <p>24        A    Before employment, they send you to --</p> <p style="text-align: right;">Page 20</p>
<p>1     <b>detainee, do you agree that the corrections officer has to</b></p> <p>2     <b>choose the safer way?</b></p> <p>3           MR. PREGON: Object to form.</p> <p>4           Go ahead.</p> <p>5        A    Do you mean to the officer or to the detainee?</p> <p>6     BY MR. DICELLO:</p> <p>7        <b>Q    To the detainee.</b></p> <p>8        A    I would say yes.</p> <p>9        <b>Q    Just looking at that bracelet. What does that</b></p> <p>10     <b>bracelet mean?</b></p> <p>11        A    It is a -- It's a guy I follow on YouTube.</p> <p>12     He's a workout -- He does --</p> <p>13        <b>Q    All right, man.</b></p> <p>14        A    That's his logo.</p> <p>15        <b>Q    All right. So you appear to be in physically</b></p> <p>16     <b>good shape.</b></p> <p>17        A    (Nods head.)</p> <p>18        <b>Q    Yes?</b></p> <p>19        A    Yes.</p> <p>20        <b>Q    Are you committed to working out?</b></p> <p>21        A    Yes.</p> <p>22        <b>Q    Was that true back in 2012?</b></p> <p>23        A    Yes.</p> <p>24        <b>Q    What kind of workouts? Do you lift weights?</b></p> <p style="text-align: right;">Page 19</p>	<p>1     Montgomery County Sheriff's Office sends you to our range</p> <p>2     where they practice defensive tactics, handcuffing with</p> <p>3     new officers that are currently hired -- or being</p> <p>4     currently hired, and then just use while on your 30-day</p> <p>5     training in the jail.</p> <p>6        <b>Q    Do you remember receiving any kind of pamphlets</b></p> <p>7     <b>or booklets or watching any videos or anything that</b></p> <p>8     <b>educated you about the dangers associated with prone</b></p> <p>9     <b>restraint with hands cuffed behind the back?</b></p> <p>10        A    No.</p> <p>11        <b>Q    So it sounds to me like what you're talking</b></p> <p>12     <b>about, it was just all verbal instruction?</b></p> <p>13        A    And physical.</p> <p>14        <b>Q    Demonstrations?</b></p> <p>15        A    Yeah, demonstrations, and then we would</p> <p>16     practice on either other officers or the training staff</p> <p>17     that was providing the training.</p> <p>18        <b>Q    So were you specifically instructed either by</b></p> <p>19     <b>way of demonstration or verbal instruction to avoid</b></p> <p>20     <b>putting people in prone positions with their hands cuffed</b></p> <p>21     <b>behind their back?</b></p> <p>22        A    No.</p> <p>23        <b>Q    So I'm a little confused, because my first</b></p> <p>24     <b>question was have you ever been trained that the prone</b></p> <p style="text-align: right;">Page 21</p>

<p>1 restraint position with hands cuffed behind their back is</p> <p>2 potentially dangerous and lethal, and I think you said,</p> <p>3 yeah, you have received that training.</p> <p>4 A I have.</p> <p>5 Q But in the same training, you were never told</p> <p>6 not to put people in that position. Is that what you're</p> <p>7 saying?</p> <p>8 MR. PREGON: Objection.</p> <p>9 Go ahead.</p> <p>10 A The way the training was explained was they</p> <p>11 explained about positional asphyxiation.</p> <p>12 BY MR. DICELLO:</p> <p>13 Q Yeah.</p> <p>14 A Things like that. But a lot of the handcuffing</p> <p>15 work that we do is with subjects on their stomach, ways</p> <p>16 to -- you know, an inmate is laying on their stomach with</p> <p>17 their arms underneath their chest, not cooperating with</p> <p>18 staff, ways to get their arms out and to place handcuffs</p> <p>19 on them while they're in a prone position.</p> <p>20 Q Were you trained to not continue to restrain</p> <p>21 people in prone positions once you have them cuffed?</p> <p>22 A Yes.</p> <p>23 Q And what's your understanding of why you</p> <p>24 shouldn't do that?</p> <p style="text-align: right;">Page 22</p>	<p>1 Q Were you ever trained that it should be done as</p> <p>2 soon as possible?</p> <p>3 A Yes.</p> <p>4 Q Mr. Richardson was restrained in a prone</p> <p>5 position with his hands cuffed behind his back; true?</p> <p>6 A Yes.</p> <p>7 Q And I know you've seen the video. I've been</p> <p>8 putting the video between the time that Mr. Richardson is</p> <p>9 pulled out of his cell until the time it's noticed that</p> <p>10 he's no longer breathing, it's about 22 minutes. Is that</p> <p>11 consistent with your memory?</p> <p>12 A Yes.</p> <p>13 Q And is that consistent with what you saw in the</p> <p>14 video?</p> <p>15 A Yes.</p> <p>16 Q Would you agree during that 22-minute time that</p> <p>17 there are times where Mr. Richardson is being restrained</p> <p>18 by multiple officers in a prone position with his hands</p> <p>19 cuffed behind his back?</p> <p>20 A No.</p> <p>21 Q So can you explain for me your last couple of</p> <p>22 answers, which what I heard is Mr. Richardson was</p> <p>23 restrained with his hands cuffed behind his back in a</p> <p>24 prone position, and then your next answer was during the</p> <p style="text-align: right;">Page 24</p>
<p>1 A It's because there's no -- I don't -- There was</p> <p>2 no -- There would be no need to leave them laying there.</p> <p>3 It's not like I'm going to cuff them and then we're just</p> <p>4 going to say "see you later" and walk out. If they're</p> <p>5 uncooperative or if there's a reason why we're cuffing</p> <p>6 them, if we have to remove them from the housing unit and</p> <p>7 transport them to a first floor cell, or if they're being</p> <p>8 placed in the emergency restraint chair, it factored -- it</p> <p>9 depends on what we would be doing. But we would be</p> <p>10 trained on, you know, assisting the inmate to their feet</p> <p>11 and then taking them to wherever we're going.</p> <p>12 Q Did you receive any training that one of the</p> <p>13 reasons to get somebody off their belly when their hands</p> <p>14 are cuffed behind their back is because there's a risk</p> <p>15 they could die from positional asphyxia?</p> <p>16 A Yes.</p> <p>17 Q So is that another reason why you wouldn't</p> <p>18 leave somebody on their belly with their hands cuffed</p> <p>19 behind their back?</p> <p>20 A Agreed.</p> <p>21 Q Were you trained as to how quickly you should</p> <p>22 try to accomplish that, meaning getting someone up off</p> <p>23 their belly after they're cuffed behind their back?</p> <p>24 A With a specific timeframe? No.</p> <p style="text-align: right;">Page 23</p>	<p>1 22-minute interval there weren't times where he was</p> <p>2 restrained in that position.</p> <p>3 A Can you explain what you mean by "restrain"?</p> <p>4 Do you mean us holding him in position or just being</p> <p>5 cuffed for the 22 minutes?</p> <p>6 Q Okay. Well, we agree that he was handcuffed</p> <p>7 with his hands cuffed behind his back for the entire 22</p> <p>8 minutes; correct?</p> <p>9 A Yes.</p> <p>10 Q And there are times during that 22-minute</p> <p>11 interval where he's also on his belly; correct?</p> <p>12 A Yes.</p> <p>13 Q And so the times where his hands were cuffed</p> <p>14 behind his back and he's on his belly, would you agree</p> <p>15 that he's in a prone position while his hands are</p> <p>16 restrained behind his back?</p> <p>17 A Yes.</p> <p>18 Q And that's prone restraint?</p> <p>19 A Yes.</p> <p>20 Q There are also times during that 22-minute</p> <p>21 interval where you and other officers are holding</p> <p>22 Mr. Richardson down; correct?</p> <p>23 A No.</p> <p>24 Q Mr. Richardson wasn't trying to get up?</p> <p style="text-align: right;">Page 25</p>

<p>1 A He was trying to move forward. I wouldn't say</p> <p>2 we were holding him down. I wasn't putting pressure -- I</p> <p>3 was -- In the video, I have my knee in front of his</p> <p>4 shoulder, that way he can't keep moving forward towards</p> <p>5 the stairs at that point.</p> <p>6 <b>Q So if Mr. Richardson was trying to get up and</b></p> <p>7 <b>he wasn't being held down, why didn't he get up?</b></p> <p>8 MR. PREGON: Objection.</p> <p>9 A I would say because at times when he was</p> <p>10 moving, it would have been -- it would be hard for him to</p> <p>11 stand up on his two feet while he's on his stomach or in a</p> <p>12 prone position. Most of the time when we -- when we have</p> <p>13 inmates that are cuffed in a prone position, when we</p> <p>14 assist them up, we have to roll them to their side. And</p> <p>15 we're trained to have them kick their knees or push their</p> <p>16 knees up towards their stomachs so we can sit them on</p> <p>17 their -- on their butt, and then we assist them to their</p> <p>18 feet.</p> <p>19 <b>Q Did any of your supervisors ever instruct you</b></p> <p>20 <b>to sit Mr. Richardson on his butt?</b></p> <p>21 A No.</p> <p>22 <b>Q Did you ever suggest that that should be done?</b></p> <p>23 A No.</p> <p>24 <b>Q Why not?</b></p> <p style="text-align: right;">Page 26</p>	<p>1 himself and you and the other corrections officers that</p> <p>2 were there, that if instructed to put Mr. Richardson into</p> <p>3 the restraint chair, you all could have accomplished that.</p> <p>4 <b>Do you agree?</b></p> <p>5 MR. PREGON: Objection.</p> <p>6 A Yes.</p> <p>7 BY MR. DICELLO:</p> <p>8 <b>Q While you were there, do you ever remember</b></p> <p>9 <b>anybody from NaphCare instructing you to put</b></p> <p>10 <b>Mr. Richardson in the restraint chair?</b></p> <p>11 A No.</p> <p>12 <b>Q Do you remember any sergeant instructing you to</b></p> <p>13 <b>put Mr. Richardson in the restraint chair?</b></p> <p>14 A No.</p> <p>15 <b>Q Did you ever see the restraint chair come up</b></p> <p>16 <b>onto the second floor?</b></p> <p>17 A No.</p> <p>18 <b>Q To your knowledge, was the restraint chair ever</b></p> <p>19 <b>brought into the pod?</b></p> <p>20 A No.</p> <p>21 <b>Q I want to understand the timing of things a</b></p> <p>22 <b>little bit. I've looked at this video many times. I'm</b></p> <p>23 <b>going to ask you to identify yourself in a moment. But</b></p> <p>24 <b>before we get there, I presume, because I've asked a lot</b></p> <p style="text-align: right;">Page 28</p>
<p>1 A Because we had NaphCare there at the time, and</p> <p>2 they didn't -- they were working on him to try to figure</p> <p>3 out what was medically going on with him. And they never</p> <p>4 stated to move him from the position that he was in.</p> <p>5 <b>Q If NaphCare had instructed you to roll</b></p> <p>6 <b>Mr. Richardson over onto his back, do you think you and</b></p> <p>7 <b>the other officers were capable of doing that?</b></p> <p>8 A Absolutely.</p> <p>9 <b>Q And would you have followed those instructions?</b></p> <p>10 A Absolutely.</p> <p>11 <b>Q If NaphCare had instructed you and the other</b></p> <p>12 <b>officers to sit Mr. Richardson on his butt, do you think</b></p> <p>13 <b>you and the other officers were capable of accomplishing</b></p> <p>14 <b>that?</b></p> <p>15 A Absolutely.</p> <p>16 <b>Q And would you have followed those instructions?</b></p> <p>17 A Yes.</p> <p>18 <b>Q I got the chance to depose most of your fellow</b></p> <p>19 <b>corrections officers already, one of whom was Officer</b></p> <p>20 <b>Stumpff. Do you work with Officer Stumpff?</b></p> <p>21 A I do.</p> <p>22 <b>Q Officer Stumpff's testimony will speak for</b></p> <p>23 <b>itself. I'm doing my best to recall what he said. But I</b></p> <p>24 <b>believe his testimony was that he believed that between</b></p> <p style="text-align: right;">Page 27</p>	<p>1 of people questions before meeting you, that you learned</p> <p>2 about the incident on the second floor of Pod D through</p> <p>3 radio transmission?</p> <p>4 A Yes.</p> <p>5 <b>Q And you learned that there was a medical</b></p> <p>6 <b>episode? It was a medical call?</b></p> <p>7 A No.</p> <p>8 <b>Q Or tell me.</b></p> <p>9 A I believe the call was an uncooperative inmate</p> <p>10 in Delta Pod. And that's all that it was broadcasted as.</p> <p>11 <b>Q Did you respond immediately?</b></p> <p>12 A Yes.</p> <p>13 <b>Q And my understanding is the way you guys do it</b></p> <p>14 <b>is you respond in numbers, get control of the situation,</b></p> <p>15 <b>and then maybe some of you can go back to your other</b></p> <p>16 <b>posts. Is that fair?</b></p> <p>17 A Yes.</p> <p>18 <b>Q So when you responded, did you respond alone or</b></p> <p>19 <b>did you respond with other officers if you remember?</b></p> <p>20 A I believe there were other officers with me,</p> <p>21 but I don't know who they were.</p> <p>22 <b>Q When you arrived, can you tell me who was there</b></p> <p>23 <b>and what was happening?</b></p> <p>24 A When I arrived, it was I believe Sergeant</p> <p style="text-align: right;">Page 29</p>



<p>1 Jackson and Dustin Johnson were there. I don't recall</p> <p>2 anybody else to my memory. And they were there attempting</p> <p>3 to cuff or already had cuffed Mr. Richardson.</p> <p>4 <b>Q Did you assist in cuffing Mr. Richardson up?</b></p> <p>5 A I don't believe so.</p> <p>6 <b>Q When you arrived, did someone instruct you what</b></p> <p>7 <b>to do or did you just instinctively do something?</b></p> <p>8 A With the number of officers that were there,</p> <p>9 being just a sergeant and one other corrections officer, I</p> <p>10 believe, I immediately just tried to assist with what I</p> <p>11 thought needed to -- you know, where help needed to be</p> <p>12 done.</p> <p>13 <b>Q So do you remember what action you took?</b></p> <p>14 A I believe we were -- they had removed him from</p> <p>15 the cell at the time that I had already arrived, and he</p> <p>16 was on his side. And I basically -- I think I'm closest</p> <p>17 to the railing. I just kneeled down, and I'm trying to</p> <p>18 just keep him in place from moving forward, because at</p> <p>19 this time I don't know if it's a medical emergency, if</p> <p>20 this guy has been into a fight. You know, it's an</p> <p>21 evolving situation going on that I'm coming into. I</p> <p>22 really don't know what's exactly happening at this point.</p> <p>23 <b>Q At the time you arrived or as you were able to</b></p> <p>24 <b>kind of get your bearings, did you appreciate that</b></p> <p style="text-align: right;">Page 30</p>	<p>1 <b>Q And that was to control Mr. Richardson's</b></p> <p>2 <b>movements; correct?</b></p> <p>3 A Yes.</p> <p>4 <b>Q And at times you had to put some pressure on</b></p> <p>5 <b>his back; correct?</b></p> <p>6 A Pressure on his shoulder. It wouldn't be his</p> <p>7 back. It would have been his right shoulder I had my</p> <p>8 hands on, pressure.</p> <p>9 <b>Q And sometimes you had to put more pressure than</b></p> <p>10 <b>others; true?</b></p> <p>11 A Yes.</p> <p>12 <b>Q The video is pretty good evidence, but it is a</b></p> <p>13 <b>little grainy; agreed?</b></p> <p>14 A Yes.</p> <p>15 <b>Q And it only takes kind of a snapshot every</b></p> <p>16 <b>second or something; right?</b></p> <p>17 A Yes.</p> <p>18 <b>Q So it's not a fluid image; right?</b></p> <p>19 A Yes.</p> <p>20 <b>Q There are times where I've watched the video</b></p> <p>21 <b>and you appear to kind of get off of your knees and kind</b></p> <p>22 <b>of get into what I'm calling like a catcher's like</b></p> <p>23 <b>position. Do you remember doing that?</b></p> <p>24 A I do.</p> <p style="text-align: right;">Page 32</p>
<p>1 <b>Mr. Richardson was an overweight guy?</b></p> <p>2 A I understood that he was, you know, larger than</p> <p>3 the average human.</p> <p>4 <b>Q And did you hear him saying anything?</b></p> <p>5 A I remember him mumbling, but not -- not</p> <p>6 anything, you know, telling us to, you know, stop what we</p> <p>7 were doing. And at the time, I'm trying to -- you know,</p> <p>8 you've got everybody else talking, whether that be other</p> <p>9 corrections officers speaking with the other inmate that's</p> <p>10 in the room, there's a lot of -- you know, there's a lot</p> <p>11 of background noise --</p> <p>12 <b>Q Commotion?</b></p> <p>13 A -- going on, and you have other inmates in</p> <p>14 cells, you know, banging on doors, screaming out, stuff</p> <p>15 like that.</p> <p>16 <b>Q All right.</b></p> <p>17 A So --</p> <p>18 <b>Q So you would agree with me that there are times</b></p> <p>19 <b>where you place both hands on Mr. Richardson's back;</b></p> <p>20 <b>correct?</b></p> <p>21 A Yes.</p> <p>22 <b>Q And there are times when you have one hand</b></p> <p>23 <b>placed on his back; correct?</b></p> <p>24 A Yes.</p> <p style="text-align: right;">Page 31</p>	<p>1 <b>Q And there are times you can be seen with your</b></p> <p>2 <b>arm resting on the railing?</b></p> <p>3 A Yes.</p> <p>4 <b>Q And the way I look at those images, there are</b></p> <p>5 <b>times where it appears that your right knee may be over</b></p> <p>6 <b>top of Mr. Richardson's right shoulder area; is that true?</b></p> <p>7 A No.</p> <p>8 <b>Q Your testimony is you never put your knee on</b></p> <p>9 <b>Mr. Richardson's shoulder?</b></p> <p>10 A No.</p> <p>11 <b>Q Why didn't you do that?</b></p> <p>12 A Because there would be no need to. With how he</p> <p>13 was moving, if I put my knee in front of his right</p> <p>14 shoulder, that's going to stop him from -- how I was</p> <p>15 trained, it's going to stop him from moving forward, by</p> <p>16 just placing my knee in front of him, with him being</p> <p>17 handcuffed behind his back at that time.</p> <p>18 <b>Q So he wasn't trying to -- You know, if this was</b></p> <p>19 <b>his right shoulder, at the time that you were -- had your</b></p> <p>20 <b>knee where it was, he wasn't thrashing around like that,</b></p> <p>21 <b>was he?</b></p> <p>22 A At times, yes.</p> <p>23 <b>Q So at the times that he was struggling, that's</b></p> <p>24 <b>when you had to use your hands to hold him down?</b></p> <p style="text-align: right;">Page 33</p>

<p>1 A That's correct.</p> <p>2 <b>Q I think it was Officer Stumpff who was kind of</b></p> <p>3 <b>in your similar position but on the opposite shoulder. Is</b></p> <p>4 <b>that your recollection?</b></p> <p>5 A I believe so.</p> <p>6 <b>Q And was Officer Stumpff more or less doing what</b></p> <p>7 <b>you just told us you were doing?</b></p> <p>8 A Yes, I believe so.</p> <p>9 <b>Q So at times he was putting his hands on</b></p> <p>10 <b>Mr. Richardson's shoulder blades and holding him down?</b></p> <p>11 A Just trying to control him from thrashing his</p> <p>12 body and moving forward. Because at that time, while we</p> <p>13 were in place where we're at, the medic is trying to work</p> <p>14 on him. And we're trying to just keep him in a position</p> <p>15 to where the medic can continue to provide whatever care</p> <p>16 that he was trying to provide at that time to</p> <p>17 Mr. Richardson.</p> <p>18 <b>Q Before I get to some questions about the medic,</b></p> <p>19 <b>though, but do you think based on your observations that</b></p> <p>20 <b>Officer Stumpff was doing the same thing that you just</b></p> <p>21 <b>described that you were doing, where at times Officer</b></p> <p>22 <b>Stumpff had to put more pressure on the shoulder than at</b></p> <p>23 <b>other times?</b></p> <p>24 MR. PREGON: Objection.</p> <p style="text-align: right;">Page 34</p>	<p>1 you know, take pressure off. But I would keep my knee in</p> <p>2 that spot. That way, he couldn't move forward from the</p> <p>3 position that we were at.</p> <p>4 <b>Q Officer Marshall, have you ever received any</b></p> <p>5 <b>training that the use of prone restraint is prohibited in</b></p> <p>6 <b>the State of Ohio?</b></p> <p>7 A No.</p> <p>8 <b>Q Have you ever reviewed any documents that</b></p> <p>9 <b>indicate that the use of prone restraint is prohibited in</b></p> <p>10 <b>the State of Ohio?</b></p> <p>11 A No.</p> <p>12 <b>Q Has anyone from Montgomery County Sheriff's</b></p> <p>13 <b>Office or NaphCare ever provided you with a copy of what</b></p> <p>14 <b>I'm going to show you right now, which is an executive</b></p> <p>15 <b>order from the governor of the State of Ohio that includes</b></p> <p>16 <b>a ban on prone restraint?</b></p> <p>17 MR. PREGON: Are you wanting him to read this</p> <p>18 whole document?</p> <p>19 MR. DICELLO: It looks like that's his</p> <p>20 preference. If that's his preference to read it, I'm not</p> <p>21 going to tell him not to read it.</p> <p>22 BY MR. DICELLO:</p> <p>23 <b>Q My question is: Has anybody from the sheriff's</b></p> <p>24 <b>office ever provided you with that document?</b></p> <p style="text-align: right;">Page 36</p>
<p>1 A I would say yes, depending on if he was doing</p> <p>2 the same thing with his left shoulder that I recall that</p> <p>3 he was doing with his right. There are times where he</p> <p>4 would start thrashing his body, and I would place my hands</p> <p>5 to try to, I don't want to say push him to the ground, but</p> <p>6 just to hold him in place and to kind of calm him down.</p> <p>7 That way the medic could continue to work on him.</p> <p>8 BY MR. DICELLO:</p> <p>9 <b>Q There was a period of several minutes, however,</b></p> <p>10 <b>where the medic stopped working on him; correct?</b></p> <p>11 A Yes.</p> <p>12 <b>Q And during that time, you and Officer Stumpff</b></p> <p>13 <b>and Officer Mayes took control over the upper half of the</b></p> <p>14 <b>body; correct?</b></p> <p>15 A Yes.</p> <p>16 <b>Q And continued to hold Mr. Richardson in the</b></p> <p>17 <b>position that is depicted on the video; true?</b></p> <p>18 A I wouldn't say holding him in position. I</p> <p>19 continued to keep the position that I had while the medic</p> <p>20 was working on him with my knee in front of his shoulder</p> <p>21 and then my hands resting on his shoulder. And then at</p> <p>22 times when he would start to thrash his body, I would put</p> <p>23 a little bit of pressure just to try to keep him in place</p> <p>24 and calm him down. And then when he would stop, I would,</p> <p style="text-align: right;">Page 35</p>	<p>1 A No.</p> <p>2 <b>Q The first time you as a corrections officer at</b></p> <p>3 <b>the Montgomery County Jail are becoming aware of this</b></p> <p>4 <b>document is by way of me, a civil rights lawyer, handing</b></p> <p>5 <b>it to you within the context of a wrongful death case</b></p> <p>6 <b>where somebody died at the jail; correct?</b></p> <p>7 MR. PREGON: I'll object to the extent it calls</p> <p>8 for privileged communications with your attorneys. You</p> <p>9 can't tell him if you and I have discussed that.</p> <p>10 A Can you repeat the question?</p> <p>11 BY MR. DICELLO:</p> <p>12 <b>Q Yeah. Let's focus on folks either from the</b></p> <p>13 <b>Montgomery County Sheriff's Office or folks from NaphCare,</b></p> <p>14 <b>and then me. Amongst the group of those people, am I the</b></p> <p>15 <b>first person to give you this executive order and make you</b></p> <p>16 <b>aware of it, me, a civil rights lawyer, in the context of</b></p> <p>17 <b>a wrongful death lawsuit where a detainee died at the</b></p> <p>18 <b>jail?</b></p> <p>19 A Yes.</p> <p>20 <b>Q As somebody who aspires to pursue a career in</b></p> <p>21 <b>law enforcement, do you think that you should have been</b></p> <p>22 <b>made aware of that document?</b></p> <p>23 MR. PREGON: Objection. He said he hasn't seen</p> <p>24 it or read it. It's not a fair question.</p> <p style="text-align: right;">Page 37</p>

1 BY MR. DICELLO:  
2 Q You can take your time and read it if you want,  
3 Mr. Marshall.  
4 A (Reviewing document.)  
5 MR. PREGON: Do you want some water?  
6 THE WITNESS: Yes, please.  
7 MR. PREGON: Can we go off the record while he  
8 reads?  
9 (Discussion held off the record.)  
10 BY MR. DICELLO:  
11 Q Have you had a chance to read it?  
12 A Yes.  
13 Q Do you think that that is the kind of document  
14 that you should have been made aware of in connection with  
15 your duties and responsibilities as it relates to  
16 restraining people at the jail?  
17 MR. PREGON: Objection.  
18 Go ahead and answer.  
19 A If this is the law, yes, I believe I should  
20 have been made aware of it.  
21 BY MR. DICELLO:  
22 Q And this executive order, I know you took some  
23 time to read it, but this executive order indicates that  
24 the use of prone restraint is prohibited across all state

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1 systems. Do you see that's what it says?  
2 A Uh-huh.  
3 Q Yes?  
4 A Yes, I do.  
5 Q Now that I've made you aware of this, is this  
6 something you're going to go look into after today's  
7 deposition?  
8 MR. PREGON: Objection.  
9 A Yes.  
10 BY MR. DICELLO:  
11 Q The jail manual, is that something you were  
12 provided during your orientation or training?  
13 A Yes.  
14 Q Do you have your own copy or do you just have a  
15 copy you can access?  
16 A It's an online copy that we can access.  
17 Q On Tiburon?  
18 A Yes. No, I apologize.  
19 Q No?  
20 A No, it's on PowerDMS.  
21 Q That's a new term. What is PowerDMS?  
22 A It is a -- It's an online source where we can  
23 go on and sign all of our documents to cut back on paper  
24 used in the facility.

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1 Q Can you access PowerDMS -- I presume PowerDMS  
2 has the jail manual on it?  
3 A Yes.  
4 Q Can you access PowerDMS from within the  
5 facility?  
6 A Yes.  
7 Q Can you access PowerDMS from outside the  
8 facility?  
9 A I believe so.  
10 Q To become a corrections officer, is it your  
11 understanding that you're required to read and be familiar  
12 with the jail manual policies?  
13 A Yes.  
14 Q And do you rely on your supervisors to provide  
15 you with the training necessary to make sure you're  
16 following the policies?  
17 A Yes.  
18 Q I haven't made this an exhibit just because  
19 it's kind of bulky. I guess I could have. But I want to  
20 show you the copy I have brought down here of the  
21 Montgomery County Jail Manual's use of restraints policy.  
22 A Uh-huh.  
23 Q Mine is all highlighted and tabbed. But is  
24 that a policy that you're expected to be familiar with and

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1 follow?  
2 A Yes.  
3 Q And this policy addresses, does it not,  
4 Mr. Marshall, the use of restraints at the jail?  
5 A Yes.  
6 Q And when using restraints, I want to point your  
7 attention to number six. It says "When applying  
8 handcuffs" -- that's what happened to Mr. Richardson;  
9 correct?  
10 A Yes.  
11 Q -- "staff members must never tie the handcuffs  
12 to the leg or ankle restraints." That didn't happen, did  
13 it?  
14 A No.  
15 Q And there's a period at the end of that  
16 sentence; correct?  
17 A Yes.  
18 Q And then there's another sentence that starts  
19 off, "Hog-tying prisoners." Mr. Richardson wasn't  
20 hog-tied, was he?  
21 A No.  
22 Q It says, "Hog-tying prisoners or placing  
23 prisoners who are in restraints in a prone or spread eagle  
24 position" -- So let's break that down. Mr. Richardson

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<p>1 wasn't placed in a spread eagle position; correct?</p> <p>2 A Correct.</p> <p>3 Q And if Mr. Richardson was hog-tied, he couldn't</p> <p>4 even be put in a spread eagle position; correct?</p> <p>5 A Correct.</p> <p>6 Q So is it apparent to you from reading this that</p> <p>7 hog-tying, placing someone prone whose in restraints, and</p> <p>8 spread eagle are three separate positions?</p> <p>9 A Yes.</p> <p>10 Q So I want to focus on the position referenced</p> <p>11 in the policy that deals with placing prisoners who are in</p> <p>12 restraints in a prone position, okay?</p> <p>13 A Okay.</p> <p>14 Q Because that's how Mr. Richardson was placed;</p> <p>15 correct?</p> <p>16 MR. PREGON: Objection.</p> <p>17 A Correct.</p> <p>18 BY MR. DICELLO:</p> <p>19 Q So placing prisoners who are in restraints in a</p> <p>20 prone position is never an acceptable practice and is</p> <p>21 prohibited according to the written policies at the jail;</p> <p>22 correct?</p> <p>23 A According to this policy, yes.</p> <p>24 Q This policy isn't consistent with the actual</p> <p style="text-align: right;">Page 42</p>	<p>1 BY MR. DICELLO:</p> <p>2 Q With his hands cuffed behind his back?</p> <p>3 A That's correct.</p> <p>4 Q According to the policy, that is not an</p> <p>5 acceptable practice and is prohibited; correct?</p> <p>6 MR. PREGON: Objection.</p> <p>7 A How the policy reads, yes, it is prohibited.</p> <p>8 But at the time, we were attempting to assist medical, and</p> <p>9 Mr. Richardson at the time was not cooperating, and we</p> <p>10 were keeping him in the position that, you know, that was</p> <p>11 easiest for medical to, at the time, to provide care.</p> <p>12 BY MR. DICELLO:</p> <p>13 Q So the time stamp we just looked at, is it your</p> <p>14 testimony that that's the position that medical wanted</p> <p>15 Mr. Richardson in?</p> <p>16 A That's the position that he was in when medical</p> <p>17 arrived, and we weren't advised by medical to change that</p> <p>18 position.</p> <p>19 Q I want to show you now a stamp 18:15.</p> <p>20 Mr. Richardson is in a prone position with his hands</p> <p>21 cuffed behind his back; true?</p> <p>22 MR. PREGON: Objection.</p> <p>23 A I'm not a hundred percent sure.</p> <p>24 BY MR. DICELLO:</p> <p style="text-align: right;">Page 44</p>
<p>1 customs and practices that took place at the jail;</p> <p>2 correct?</p> <p>3 MR. PREGON: Objection.</p> <p>4 A The way I understand that policy, how it reads</p> <p>5 to me, is that I cannot place -- I cannot handcuff</p> <p>6 somebody that's standing and place them on or in a prone</p> <p>7 position. At the time that I arrived to this incident,</p> <p>8 Mr. Richardson was on his -- was being cuffed or had been</p> <p>9 cuffed and was on his side or in a prone position at that</p> <p>10 time already.</p> <p>11 BY MR. DICELLO:</p> <p>12 Q Okay. So if somebody is already in a prone</p> <p>13 position, you think you can cuff them up and keep them</p> <p>14 there?</p> <p>15 A No, I did not say that.</p> <p>16 Q Showing you the video, we don't need the</p> <p>17 lights, but the time stamp is 11:58 on the video. Would</p> <p>18 you agree Mr. Richardson is in a prone position with his</p> <p>19 hands cuffed behind his back there?</p> <p>20 MR. PREGON: You tell us if you want the lights</p> <p>21 off.</p> <p>22 THE WITNESS: I can see it.</p> <p>23 A At that point, yes, I believe he's in a prone</p> <p>24 position.</p> <p style="text-align: right;">Page 43</p>	<p>1 Q Okay.</p> <p>2 A I'll have to watch, actually watch the video to</p> <p>3 --</p> <p>4 Q What about 17:35? Mr. Richardson in a prone</p> <p>5 position with his hands cuffed behind his back there?</p> <p>6 A It appears so, yes.</p> <p>7 Q And medical is not assessing him, are they?</p> <p>8 A At the time, no. Because I believe we were</p> <p>9 waiting on medical. It had been determined that they were</p> <p>10 going to give him some sort of shot, and we were waiting</p> <p>11 on medical staff to arrive with that shot.</p> <p>12 Q At any point in time when you were waiting for</p> <p>13 medical to come back with the shot, did medical say,</p> <p>14 "Well, while you guys are waiting for us to bring this</p> <p>15 shot, get Mr. Richardson off his belly"?</p> <p>16 A No.</p> <p>17 Q If they had instructed you to do that, would</p> <p>18 you have done that?</p> <p>19 A Yes.</p> <p>20 Q And do you believe you and the other officers</p> <p>21 would have been capable of doing that?</p> <p>22 A Yes.</p> <p>23 Q Would you describe Mr. Richardson as violent?</p> <p>24 A At the time?</p> <p style="text-align: right;">Page 45</p>

1       **Q** Yeah.

2       A Violent towards staff? I don't want to say yes

3 or no, because when I had arrived, they were placing him

4 in cuffs. I don't -- Like I said earlier, I don't know if

5 he had just been assaulted or was involved in a fight with

6 another inmate. I didn't even know if he had assaulted

7 staff. Because they had called for an uncooperative

8 inmate at the time, I didn't know if he had assaulted

9 staff.

10       **Q** So let me try to narrow it. I want to try to

11 focus on when you were there what you knew, what you

12 observed. Was Mr. Richardson being violent?

13       A Towards staff at the time? It would have been

14 hard for him to be violent with us, but he wasn't

15 cooperating with what we were asking him to do or telling

16 him to do.

17       **Q** I appreciate the explanation. And I'm not

18 suggesting your answer is not responsive, because I

19 believe it is. But I'm focusing on this word "violent."

20 Would you describe his behavior while you were there as

21 violent?

22       MR. PREGON: Asked and answered.

23       A Yes.

24       BY MR. DICELLO:

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1       **Q** Do you know why he was behaving the way he was?

2       A I did not.

3       **Q** Something else in the restraint policy that I

4 didn't direct your attention to, but the restraint policy

5 indicates that violent behavior may mask dangerous medical

6 conditions. Did you receive that training?

7       A Yes.

8       **Q** And is that something that you have to be

9 conscientious about when an inmate or detainee is engaged

10 in behavior that appears to be violent or uncooperative?

11       A We do.

12       **Q** So one of the things a corrections officer has

13 to understand is that this person may be acting in this

14 way not out of a willful desire to be violent, but because

15 they have some kind of medical or mental health condition;

16 correct?

17       A That's correct.

18       **Q** At any point in time while you were

19 participating in this episode, did anybody from NaphCare

20 instruct you that Mr. Richardson had heart disease?

21       A No.

22       **Q** Did anybody instruct you that he had high blood

23 pressure?

24       A I wouldn't have been allowed access to that

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1 information.

2       **Q** So you wouldn't have expected them to tell you

3 even if they knew?

4       A No, because I know that's a violation of the

5 HIPAA law.

6       **Q** All right. Did anybody from NaphCare or

7 medical say that it was dangerous for Mr. Richardson to be

8 in the position that he was in as depicted on the video?

9       A No.

10       **Q** You were there while Medic Stockhauser was

11 there; correct?

12       A That's correct.

13       **Q** Were you there before Medic Stockhauser

14 arrived?

15       A Yes.

16       **Q** How long after you arrived did Medic

17 Stockhauser arrive?

18       A I honestly couldn't give a specific timeframe

19 if I had to, just because at that time it's -- I mean, you

20 have -- we've got it feels like a million things going on

21 at once.

22       **Q** Yeah.

23       A And I've kind of got, I don't want to say

24 tunnel vision, but I'm focused on that. I'm not focused

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1 on who else is coming up and walking in the pod and

2 walking out of the pod and stuff like that.

3       **Q** I had Captain Crosby in here, I think you saw

4 him on his way out. He's your superior?

5       A Yes.

6       **Q** And I was going through a memo that Captain

7 Crosby put together. I think it's marked as Plaintiff's

8 Exhibit 10. And he put together his timeline of events.

9 And according to his timeline of events, he testified that

10 it was -- it took about 12 seconds -- I'm sorry, about 14

11 seconds or so, or 16 seconds to get Mr. Richardson cuffed

12 up. Is that consistent with your recollection, or was he

13 already cuffed when you got there?

14       A I believe he was already cuffed when I arrived,

15 or he was -- they were in the final process of cuffing

16 him.

17       **Q** Okay. All right. So I want to ask kind of

18 what you knew at the time that you were present. Did you

19 have any concerns that Mr. Richardson was armed with a

20 weapon?

21       A No.

22       **Q** You knew Mr. Richardson was handcuffed; true?

23       A Yes.

24       **Q** And he had his hands cuffed behind his back;

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<p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q You had some concern that he may be in the</p> <p>4 throws of some kind of medical episode; correct?</p> <p>5 A Possibly.</p> <p>6 Q You knew that he was obese; true?</p> <p>7 A Yes.</p> <p>8 Q Did you witness Medic Stockhauser trying to</p> <p>9 administer oxygen to Mr. Richardson?</p> <p>10 A I did.</p> <p>11 Q Based on the fact that you saw a medical person</p> <p>12 trying to administer oxygen to Mr. Richardson, did that in</p> <p>13 your own mind give you some reason to believe that maybe</p> <p>14 Mr. Richardson was having trouble breathing?</p> <p>15 MR. PREGON: Objection.</p> <p>16 A No.</p> <p>17 BY MR. DICELLO:</p> <p>18 Q So why did you think they were trying to give</p> <p>19 him oxygen?</p> <p>20 A To -- From my knowledge, that's a common</p> <p>21 practice when somebody is going through a medical</p> <p>22 emergency that they did not -- they couldn't identify what</p> <p>23 exactly was happening, they want to provide him with</p> <p>24 oxygen to, you know, assist with what's going on.</p> <p style="text-align: right;">Page 50</p>	<p>1 violence that you were aware of?</p> <p>2 A Not that I was aware of. That would have been</p> <p>3 my first encounter with him.</p> <p>4 Q The fact that he was on the D Pod, did you know</p> <p>5 at the time that he had been classified as a low risk for</p> <p>6 violence?</p> <p>7 A Yes.</p> <p>8 Q You didn't witness Mr. Richardson violate any</p> <p>9 jail rules on May 19th, 2012, did you?</p> <p>10 A No.</p> <p>11 Q You didn't witness him commit any crime on May</p> <p>12 19th, 2012 against anyone, did you?</p> <p>13 A No.</p> <p>14 Q Once the numbers had responded, you know, let's</p> <p>15 just go through some names here. Yourself, Stumpff,</p> <p>16 Mayes, Johnson, Henning, Jackson, Lewis. So I count seven</p> <p>17 officers that responded at one point?</p> <p>18 A (Nods head.)</p> <p>19 Q Yes?</p> <p>20 A Yes.</p> <p>21 Q Once you had the seven of you all there, did</p> <p>22 you believe that you had the situation under control?</p> <p>23 A Yes.</p> <p>24 Q Did you believe that you had eliminated any</p> <p style="text-align: right;">Page 52</p>
<p>1 Q Did Mr. Richardson appear disoriented to you?</p> <p>2 A Yes.</p> <p>3 Q Did you have the understanding that he needed</p> <p>4 medical attention?</p> <p>5 A After -- After Medic Stockhauser had arrived</p> <p>6 and began wiping blood and mucus from his mouth and when</p> <p>7 medical was -- when Stockhauser was trying to put the</p> <p>8 oxygen mask on him and he was knocking it off, I wasn't</p> <p>9 sure if he was refusing medical attention at the time or</p> <p>10 if it was a medical emergency.</p> <p>11 Q So you also knew that Mr. Richardson had some</p> <p>12 blood and mucus coming from his mouth or nose area?</p> <p>13 A Yes.</p> <p>14 Q Did Mr. Richardson hurt anyone during this</p> <p>15 episode?</p> <p>16 A Not that I believe.</p> <p>17 Q Were you injured?</p> <p>18 A No.</p> <p>19 Q Did Mr. Richardson ever try to injure you?</p> <p>20 A No.</p> <p>21 Q Did you witness Mr. Richardson ever try to</p> <p>22 injure anyone?</p> <p>23 A No.</p> <p>24 Q Did Mr. Richardson have some kind of history of</p> <p style="text-align: right;">Page 51</p>	<p>1 potential threat that Mr. Richardson could pose?</p> <p>2 A Yes.</p> <p>3 Q We talked a little bit about positional</p> <p>4 asphyxia. I think you might have used the term</p> <p>5 "positional asphyxiation." Do you understand that that's</p> <p>6 a medical condition?</p> <p>7 A Yes.</p> <p>8 Q And do you understand that it can kill?</p> <p>9 A Yes.</p> <p>10 Q There are certain risk factors that make one</p> <p>11 person more prone, pardon to use the term, but more prone</p> <p>12 to die from positional asphyxia when restrained than</p> <p>13 others. Were you aware of that?</p> <p>14 A Yes.</p> <p>15 Q And I want to go through some of those risk</p> <p>16 factors and see if you were aware of that as of May 19th,</p> <p>17 2012. Obesity. Do you understand that that was a risk</p> <p>18 factor that makes someone more likely to die from</p> <p>19 positional asphyxia when they're restrained in a prone</p> <p>20 position?</p> <p>21 A Yes.</p> <p>22 Q And even within the group of people who are</p> <p>23 obese, did you know that someone who has a particularly</p> <p>24 large abdomen is at an even higher risk of dying from</p> <p style="text-align: right;">Page 53</p>

1 positional asphyxia when they're restrained on their  
2 belly?  
3 A On the abdomen, no, I did not know that.  
4 Q All right. Preexisting heart disease. Did you  
5 know or had you been trained that that is a risk factor  
6 that increases someone's risk of dying from positional  
7 asphyxia from being restrained on their belly?  
8 A No.  
9 Q How about pressure on the abdomen itself? Did  
10 you know that that was -- if that was a risk factor that  
11 increased the likelihood of death by positional asphyxia  
12 during restraint?  
13 A On the abdomen?  
14 Q Yes.  
15 A No.  
16 Q Pressure on the back? Did you know that that  
17 was a risk factor that increases the risk of positional  
18 asphyxia as a result -- when being restrained on the  
19 belly?  
20 A Yes.  
21 Q And when I say "back," would that include --  
22 were you aware that pressure on the back of the neck can  
23 increase the risk of positional asphyxia, or no?  
24 A I would -- From training, I would say yes.

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1 Q And how about pressure on the shoulder blades?  
2 Were you trained that that is a risk factor that increases  
3 the risk of death by positional asphyxia when someone is  
4 restrained on their belly?  
5 A No.  
6 Q Somebody who has been in a struggle with  
7 officers. Were you trained that that person is at a  
8 higher risk of in-custody death when restrained on their  
9 belly?  
10 MR. PREGON: Objection.  
11 Go ahead.  
12 A No.  
13 BY MR. DICELLO:  
14 Q Enlarged heart. Have you ever heard that  
15 that's a risk factor for positional asphyxia?  
16 A No.  
17 Q I asked you about if you heard Mr. Richardson  
18 say anything. I think we might have focused on the  
19 beginning of the incident where you said he was making  
20 some unintelligible sounds. Is that fair?  
21 A Yes.  
22 Q Over the course of the 22 minutes, did he ever  
23 get to the point where he was actually saying anything --  
24 A I believe --

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1 Q -- that you remember?  
2 A I believe in my report I put that he had said  
3 at times "get off me" and "stop."  
4 Q Okay.  
5 A And that was --  
6 Q That's what you remember?  
7 A That's what I remember, yes.  
8 Q Did you say anything to him?  
9 A I was -- At that time, I can't remember exact  
10 words, but I would be telling him to calm -- you know,  
11 calm down, we're here to help you, we're not -- you know,  
12 at this point when it's been discovered that it's actually  
13 a medical, something medically is going on with him, I'm  
14 trying to calm him down and tell him medical is just  
15 trying to help you.  
16 Because we have guys that come out of seizures  
17 that want to fight with staff that we've had to, you know,  
18 kind of keep down on the ground until they realize that  
19 they just had a medical emergency, being a seizure, and,  
20 you know, we're there to help them, not to cause more  
21 damage or to hurt them.  
22 Q Did Mr. Richardson appear to be appreciating  
23 what you were saying?  
24 A No.

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1 Q Did you hear him grunting or gasping?  
2 A Gasping, no. Grunting, I would say -- I would  
3 say yes. And that was more of him trying to move forward  
4 like he was trying to, you know, to retch his body up to  
5 move -- to move from where he was at.  
6 Q Yeah.  
7 A I don't want to say move forward, but to move  
8 from positions.  
9 Q Did you know whether or not an officer was  
10 straddling Mr. Richardson?  
11 A Straddling where?  
12 Q Near the rear thighs, knees, or hips area?  
13 A I believe they were -- they were -- they  
14 weren't sitting on him, but they had both knees over top  
15 of him, I believe so.  
16 Q Did you hear Mr. Richardson at any time up to  
17 the time he was noticed to have stopped breathing emit  
18 like a gurgling sound?  
19 A No.  
20 Q Did you hear Mr. Richardson at any time  
21 complain that he couldn't breathe?  
22 A No.  
23 Q Did you ever consider rolling him over onto his  
24 back to get him off his belly?

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1 A I would have -- At the time when medical is  
2 providing care, I would have -- because they have a higher  
3 training than I would in the medical field, I would -- you  
4 know, they kind of take over. And whatever they're doing,  
5 it takes top priority. So if they need him in a certain  
6 position, that's where we're going to, you know, place  
7 him.

8 Q Did you ever hear Medic Stockhauser request  
9 that Mr. Richardson be cuffed in the front and laid on his  
10 back?

11 A No.

12 Q If Medic Stockhauser had said that, would you  
13 have done it?

14 A Absolutely.

15 Q Did you ever hear Nurse Miles give any  
16 instruction about cuffing Mr. Richardson in the front and  
17 putting him on his back?

18 A No.

19 Q Did you ever hear Sergeant Jackson or Lewis  
20 instruct any of you on how to position Mr. Richardson?

21 A No.

22 Q Who made the decision to position him the way  
23 you guys had him?

24 A I don't think it was a decision made. I think

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1 it was just how he was, you know, I don't want to say not  
2 cooperating, but how he was moving his body. He kind of  
3 went from his side and then ended up on his, you know, in  
4 the prone position on his stomach.

5 Q What did you understand the plan to be? Let me  
6 give you some context to this question, Officer. At the  
7 time you've told me that seven of you are there, you've  
8 got this man under control, he's handcuffed with his hands  
9 behind his back, and he's in the position that can be  
10 depicted on the video. What was your understanding of  
11 what the plan was in terms of what was going to be done  
12 with Mr. Richardson?

13 A I was under the assumption from --

14 Q Excuse me. Go ahead.

15 A I believe it was Sergeant Jackson ordered to  
16 place him in the emergency restraint chair.

17 Q Do you remember when in the sequence of events  
18 that order was made? Was it early? Was it late? Was it  
19 in the middle?

20 A I believe it was after the time that they had  
21 -- we had determined that he wasn't going to cooperate  
22 with us after, you know, multiple asks and orders, that  
23 because he's not cooperating, that he was going to be  
24 placed in the emergency restraint chair.

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1 Q So how long did it take you all to realize this  
2 guy isn't going to be cooperating? In the first five  
3 minutes, ten minutes?

4 A That would be up to a sergeant's decision  
5 whether or not, you know, he's gonna -- if he thinks that  
6 he needs to be placed in the chair. A corrections officer  
7 can't decide that. It has to be a supervisor.

8 Q I know you're doing your best to answer the  
9 question, but I'm not sure I got an answer. When you  
10 understood the plan was to put him in the restraint chair,  
11 was that early, middle, or near the end?

12 A I would say it was early on after he had been  
13 removed from the cell.

14 Q Have you ever been ordered to retrieve the  
15 emergency restraint chair?

16 A Yes.

17 Q Is it your understanding that one of the  
18 purposes of a restraint chair is to restrain somebody in a  
19 safe position?

20 MR. PREGON: Objection.

21 A Yes.

22 BY MR. DICELLO:

23 Q And is it your understanding that the chair is  
24 designed for restraint?

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1 A Yes.

2 Q The times that you've been ordered to retrieve  
3 the emergency restraint chair, have you ever been ordered  
4 to retrieve it and bring it to the Delta Pod?

5 A No.

6 Q Based on your understanding of where the chair  
7 is, what's the your expectation that once a sergeant  
8 provides you an order, "go get that emergency restraint  
9 chair and bring it here," what's your expectation of how  
10 long it should take to get it to the D Pod?

11 A I would say anywhere from one to two minutes.

12 Q All right.

13 A Generally, what -- he's not -- a sergeant  
14 wouldn't send one of us that's already in the housing  
15 location. He's going to call for it over the radio.

16 Q Gotcha.

17 A Whoever is on the first floor that's going to  
18 be closest to it, they're going to retrieve it and bring  
19 it to cut down on the time that it takes to get it there.

20 Q Makes sense.

21 MR. PREGON: Can we have a five-minute restroom  
22 break?

23 MR. DICELLO: Yeah.

24 (Discussion held off the record.)

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<p>1 BY MR. DICELLO:</p> <p>2 <b>Q Were you asked to fill out any Use of Force</b></p> <p>3 <b>Reports as a result of your interaction with</b></p> <p>4 <b>Mr. Richardson?</b></p> <p>5 A No.</p> <p>6 <b>Q Did Mr. Richardson pose any risk to you that</b></p> <p>7 <b>you appreciated at the time?</b></p> <p>8 A No.</p> <p>9 <b>Q And what about any risk to any others? Did you</b></p> <p>10 <b>appreciate that he posed some kind of risk to other</b></p> <p>11 <b>people?</b></p> <p>12 MR. PREGON: Objection.</p> <p>13 BY MR. DICELLO:</p> <p>14 <b>Q That you appreciated.</b></p> <p>15 MR. PREGON: At what time?</p> <p>16 BY MR. DICELLO:</p> <p>17 <b>Q During the time that you were there.</b></p> <p>18 A I would say he was a risk to himself.</p> <p>19 <b>Q Anybody else?</b></p> <p>20 A No.</p> <p>21 <b>Q Do you remember Stockhauser saying anything?</b></p> <p>22 MR. PREGON: Asked and answered.</p> <p>23 Go ahead.</p> <p>24 A I believe he, at the time he was telling him</p> <p style="text-align: right;">Page 62</p>	<p>1 <b>out of the syringe and didn't get injected; correct?</b></p> <p>2 A As far as to my knowledge, yes.</p> <p>3 <b>Q I can't recall who I asked this, but at the</b></p> <p>4 <b>time that Mr. Richardson received the first injection, I</b></p> <p>5 <b>believe it was going to be administered to his buttocks</b></p> <p>6 <b>area; correct?</b></p> <p>7 A I believe so.</p> <p>8 <b>Q So his pants were pulled down a little bit;</b></p> <p>9 <b>correct?</b></p> <p>10 A They weren't pulled down. It was -- I don't</p> <p>11 want to say they were pulled down to expose his lower</p> <p>12 half.</p> <p>13 <b>Q Yeah.</b></p> <p>14 A But they were pulled down slightly to give the</p> <p>15 shot. And I believe at the time they were possibly</p> <p>16 already down a little bit from him scooting forward and,</p> <p>17 you know, those jail uniforms don't -- it's not one size</p> <p>18 fits all. Some of them are -- Some of the guys order them</p> <p>19 big, some of them will order them small. So they could</p> <p>20 have been down a little bit to begin with.</p> <p>21 <b>Q All right. Was Mr. Richardson struggling at</b></p> <p>22 <b>the time the shot was administered, the first shot?</b></p> <p>23 A I would say he still wasn't cooperating with</p> <p>24 us, he wasn't staying still, he is, you know, what</p> <p style="text-align: right;">Page 64</p>
<p>1 that he, you know, he's there to help him, he's trying to</p> <p>2 give him oxygen while he's wiping -- you know, he's</p> <p>3 telling him obviously not to bite him because he's got to</p> <p>4 take a towel and wipe the blood from his mouth, he's</p> <p>5 putting his hand very close to his mouth, stuff like that.</p> <p>6 He's just telling him things, that way he doesn't do</p> <p>7 things before he does them. You know, like wiping his</p> <p>8 mouth, he doesn't bite his hand. He's telling him, "I'm</p> <p>9 just here to give you oxygen, we're here to help you,"</p> <p>10 stuff like that.</p> <p>11 <b>Q Do you remember Nurse Miles saying anything?</b></p> <p>12 A No.</p> <p>13 <b>Q At some point in time, do you remember that</b></p> <p>14 <b>Nurse Felicia Foster responded?</b></p> <p>15 A Yes.</p> <p>16 <b>Q Do you remember her saying anything?</b></p> <p>17 A No.</p> <p>18 <b>Q So I think you were present throughout the</b></p> <p>19 <b>entire incident; is that fair?</b></p> <p>20 A Yes.</p> <p>21 <b>Q Were you there when a second -- You were there</b></p> <p>22 <b>when the first shot was attempted; correct?</b></p> <p>23 A Yes.</p> <p>24 <b>Q And for whatever reason, the medicine spilled</b></p> <p style="text-align: right;">Page 63</p>	<p>1 appeared to be moved from the location he was at.</p> <p>2 <b>Q And were you present when the second shot was</b></p> <p>3 <b>administered?</b></p> <p>4 A Yes.</p> <p>5 <b>Q And that one, if I understand, was administered</b></p> <p>6 <b>by Nurse Foster; correct?</b></p> <p>7 A I believe so.</p> <p>8 <b>Q And do you remember who tried to administer the</b></p> <p>9 <b>first one? Was it Nurse Miles?</b></p> <p>10 A I believe it was Nurse Miles, yes.</p> <p>11 <b>Q After the second shot was administered, did you</b></p> <p>12 <b>observe a change in Mr. Richardson's demeanor or behavior?</b></p> <p>13 A He appeared to be calming down.</p> <p>14 MR. PREGON: Did you say the first shot or the</p> <p>15 second?</p> <p>16 MR. DICELLO: After the second shot.</p> <p>17 BY MR. DICELLO:</p> <p>18 <b>Q Did you in your own mind attribute that to a</b></p> <p>19 <b>reaction of the medication that was administered?</b></p> <p>20 A Yes.</p> <p>21 <b>Q How long after the second shot was given did</b></p> <p>22 <b>you in your own mind appreciate that Mr. Richardson</b></p> <p>23 <b>appeared to be calming down?</b></p> <p>24 A I would say maybe a minute, two minutes.</p> <p style="text-align: right;">Page 65</p>

1       **Q** But Mr. Richardson was kept in the same  
2       position even after that time; true?  
3       A I believe so, yes.  
4       **Q** And according to Captain Crosby's timeline, the  
5       shot administered by Nurse Foster was at 15:37:15. Is  
6       that consistent with your recollection?  
7       A I believe so.  
8       **Q** And Mr. Richardson was rolled onto his back at  
9       15:41:11. So that is about four minutes later; correct?  
10      A Yes.  
11      **Q** And you're telling us that within kind of the  
12      first minute of receiving the injection, you noticed a  
13      change in his demeanor?  
14      A I would believe so, yes. In this case, yes.  
15      I've seen shots where they've administered them before and  
16      they don't -- it seems like it takes an hour before --  
17      **Q** Yeah.  
18      A -- the person begins to calm down. This one,  
19      it seemed like it was, you know, working like it should,  
20      it should be, to my knowledge.  
21      **Q** So when you perceived that within a minute of  
22      the second shot being administered, why didn't you sit  
23      Mr. Richardson up to get him off his belly?  
24      A I wasn't advised to.

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1       **Q** Is your answer the same for the questions of  
2       why you didn't stand him up or roll him over onto his back  
3       at that time?  
4       A Yes.  
5       **Q** You were waiting for medical to provide that  
6       instruction?  
7       A Either medical or my sergeant.  
8       **Q** I'm just trying to find your Tiburon statement  
9       here so I don't miss anything.  
10      MR. PREGON: 1287.  
11      MR. DICELLO: Thank you.  
12      MR. PREGON: It goes over onto 88. That's just  
13      his name, though.  
14      BY MR. DICELLO:  
15      **Q** Let me give you a copy, so you and I are  
16      looking at the same thing. Handing you what's been marked  
17      is Plaintiff's Exhibit 1. And if you go to MC 1287, is  
18      that your written statement on the Tiburon? Starts at  
19      1287.  
20      MR. PREGON: It's right there. Just at the  
21      top.  
22      A Yes.  
23      BY MR. DICELLO:  
24      **Q** It looks like you entered this at 5:41 p.m. on

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1       the same day; correct?  
2       A Yes.  
3       **Q** So you entered this statement within a couple  
4       of hours of this incident occurring; true?  
5       A Yes.  
6       **Q** And you're pretty specific in the second, or  
7       the third paragraph I guess, about what you saw coming  
8       from Inmate or Detainee Richardson's kind of mouth and  
9       nose area. You describe it as blood, sweat, saliva, and  
10      mucus; correct?  
11      A Yes.  
12      **Q** Because you saw all those things; true?  
13      A Yes.  
14      **Q** You do describe him as thrashing his body. Do  
15      you see that?  
16      A Yes.  
17      **Q** And so you had to put enough pressure on his  
18      shoulder to prevent him from thrashing it at times; true?  
19      A I wasn't putting pressure, I was placing my  
20      hands on him just to control it. I wasn't taking it and  
21      pushing it and forcing him to the ground. I was just  
22      trying to control him from --  
23      **Q** Thrashing?  
24      A From thrashing, yes.

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1       **Q** Because you've described him as violent and  
2       you've described him as thrashing. You were using the  
3       force necessary to control him from doing that; correct?  
4       A Yes.  
5       **Q** When I watched the video, there's portions  
6       where I think I see Corrections Officer Hayes laughing.  
7       Did you see that?  
8       MR. PREGON: Hayes? Mayes.  
9       BY MR. DICELLO:  
10      **Q** Mayes.  
11      A No.  
12      **Q** And in fact, Officer Mayes testified in the  
13      chair that you're sitting in a few weeks ago and  
14      acknowledged that there was some point where he has  
15      laughing when he was talking with some other people. Did  
16      you hear that?  
17      A Not to my recollection, no.  
18      **Q** Did you ever hear Officer Mayes tell one of the  
19      inmates that if that inmate didn't shut up, he was next?  
20      A No.  
21      **Q** If that was said, that would be totally  
22      inappropriate; true?  
23      MR. PREGON: Objection.  
24      A I would believe so, yes. Especially in front

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<p>1 of a supervisor.</p> <p>2 BY MR. DICELLO:</p> <p>3 <b>Q So after you completed this Tiburon report at</b></p> <p>4 <b>about 5:41 that night, did anyone come to talk to you</b></p> <p>5 <b>about what happened?</b></p> <p>6 A What do you mean, supervisor or --</p> <p>7 <b>Q Yeah, let's start with a supervisor. Were you</b></p> <p>8 <b>ever kind of debriefed about the incident?</b></p> <p>9 A We have -- On this particular incident, at the</p> <p>10 time by a sergeant, no. We do have debriefings after we</p> <p>11 have in-custody death. We are -- We meet. Basically, we</p> <p>12 are provided with information of our mental health</p> <p>13 counseling. If we were having trouble with, you know,</p> <p>14 coping with what has happened, they basically give us the</p> <p>15 information saying you can speak with mental health if</p> <p>16 you're having, you know, trouble sleeping, you know, if</p> <p>17 you're having flashbacks, stuff like that.</p> <p>18 <b>Q So they offer those services to you?</b></p> <p>19 A Yes.</p> <p>20 <b>Q Other than offering mental health counseling</b></p> <p>21 <b>services to the officers who were involved in</b></p> <p>22 <b>Mr. Richardson's death, are you aware of any other kind of</b></p> <p>23 <b>debriefing that occurred from supervisors about the</b></p> <p>24 <b>situation?</b></p> <p style="text-align: right;">Page 70</p>	<p>1 <b>Q So I know you are a co-workers with some of the</b></p> <p>2 <b>corrections officers who were involved; true?</b></p> <p>3 A Yes.</p> <p>4 <b>Q Are you friends with these guys?</b></p> <p>5 A Yes.</p> <p>6 <b>Q Which one of the guys that were there in</b></p> <p>7 <b>particular do you consider yourself to be friends with?</b></p> <p>8 MR. PREGON: Involved in this case? Or is that</p> <p>9 a general?</p> <p>10 MR. DICELLO: No, I'm talking about who was on</p> <p>11 D Pod that day when Mr. Richardson died.</p> <p>12 A I mean, I have a, you know, close friendship</p> <p>13 with Michael Beach.</p> <p>14 BY MR. DICELLO:</p> <p>15 <b>Q Beach?</b></p> <p>16 A Stumpff.</p> <p>17 <b>Q Stumpff?</b></p> <p>18 A Yeah.</p> <p>19 <b>Q Are these guys that you are friends with</b></p> <p>20 <b>outside of work?</b></p> <p>21 A Yeah.</p> <p>22 <b>Q Okay, good. Have you guys talked about what</b></p> <p>23 <b>happened?</b></p> <p>24 A No.</p> <p style="text-align: right;">Page 72</p>
<p>1 A No.</p> <p>2 MR. PREGON: Involving him?</p> <p>3 MR. DICELLO: Yeah.</p> <p>4 A No.</p> <p>5 BY MR. DICELLO:</p> <p>6 <b>Q So did anyone ever come to you and say you did</b></p> <p>7 <b>or didn't follow policy or procedure?</b></p> <p>8 A No.</p> <p>9 <b>Q Did anybody ever come to you and offer any</b></p> <p>10 <b>critique on how to handle the situation differently?</b></p> <p>11 A No.</p> <p>12 <b>Q I presume of course you weren't disciplined as</b></p> <p>13 <b>a result of this; correct?</b></p> <p>14 A No.</p> <p>15 <b>Q And you weren't instructed to undergo any new</b></p> <p>16 <b>or different retraining or anything like that?</b></p> <p>17 A No.</p> <p>18 <b>Q Did anybody, any of your supervisors ever</b></p> <p>19 <b>inform you how Mr. Richardson died?</b></p> <p>20 A No.</p> <p>21 <b>Q Did you ask anybody how he died?</b></p> <p>22 A No.</p> <p>23 <b>Q Do you know how he died?</b></p> <p>24 A I do not.</p> <p style="text-align: right;">Page 71</p>	<p>1 <b>Q Why not?</b></p> <p>2 A It's -- It's a pending court case, you know.</p> <p>3 <b>Q What about before the -- The case was filed</b></p> <p>4 <b>almost two years after it happened. What about the two</b></p> <p>5 <b>years after this happened? Did you guys ever talk about</b></p> <p>6 <b>what happened?</b></p> <p>7 A No.</p> <p>8 <b>Q You know, I don't work in corrections, but do</b></p> <p>9 <b>you know how old Mr. Richardson was?</b></p> <p>10 A I do not.</p> <p>11 <b>Q Well, I'll tell you. He was a 28-year-old guy,</b></p> <p>12 <b>okay? A 28-year-old man died while you all were</b></p> <p>13 <b>restraining him; correct?</b></p> <p>14 A Correct.</p> <p>15 <b>Q And that wasn't an occurrence that even caused</b></p> <p>16 <b>you guys to even talk about; right?</b></p> <p>17 A I mean, during that day, you know, it's -- not</p> <p>18 -- it's not like we waited two, three weeks down the road</p> <p>19 and said, "Hey, do you remember that time this happened,"</p> <p>20 you know. It's, you know, people come back, go back and</p> <p>21 read reports, and they'll come up and say, "Hey, what</p> <p>22 happened" here and there. But I don't particularly</p> <p>23 remember anybody coming up and asking me, "Hey, what did</p> <p>24 you do during this," you know.</p> <p style="text-align: right;">Page 73</p>

1       **Q All right.**  
2       A Anything like that.  
3       **Q Do you have any interest in knowing how**  
4 **Mr. Richardson died?**  
5       A Absolutely.  
6       **Q So what have you done, if anything, to satisfy**  
7 **that interest of knowing how a member of the community**  
8 **under your care, custody, and control died? Have you done**  
9 **anything?**  
10       MR. PREGON: Anything we talk about is off  
11 limits. So he's asking outside --  
12       A Outside of here, no.  
13       BY MR. DICELLO:  
14       **Q Sorry, I lost my train of thought. I had a**  
15 **next question for you.**  
16       **If faced with the same circumstances today, you**  
17 **would expect yourself and the other correction officers to**  
18 **respond in the same way; true?**  
19       A Yes.  
20       **Q And nobody at the jail has ever told you to go**  
21 **about restraining somebody under these circumstances any**  
22 **differently?**  
23       A No.  
24       **Q Correct?**

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1       **Was Sergeant Flanders one of your supervisors**  
2 **for awhile?**  
3       A I don't believe he was a sergeant at the time.  
4 I believe he was a captain.  
5       **Q Captain? Tell me, where along the rank does**  
6 **captain -- That sounds pretty high up.**  
7       A It would follow after sergeant, but I'm not  
8 sure how -- you know, we don't have lieutenants or  
9 anything like that at the facility. It's, you know, after  
10 you've been a sergeant, I don't know how long it takes  
11 before or what it takes to become a captain. But --  
12       **Q In terms of the chain of command, there's a**  
13 **major; true?**  
14       A Yes.  
15       **Q And then there's a captain below the major?**  
16       A Yes.  
17       **Q And then it goes to sergeant and then**  
18 **corrections officer?**  
19       A Yes.  
20       **Q Did you work with Captain Flanders?**  
21       A No. Personally, I knew he was a supervisor.  
22 But I didn't --  
23       **Q Didn't work with him?**  
24       A I had never, you know, worked alongside him at

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1 any particular time in the jail.  
2       **Q Did any of the medical folks ever announce that**  
3 **they had any concerns that Mr. Richardson was suffering a**  
4 **heart attack?**  
5       A No.  
6       **Q Did Mr. Richardson ever grab his chest and say**  
7 **he was having chest pain?**  
8       A At the time I was there, he was already cuffed.  
9 He wouldn't have been able to.  
10       **Q Did he say that he was having chest pain?**  
11       A No.  
12       **Q Going through my notes here. I think I'm done.**  
13       MR. DICELLO: Carrie, do you have any questions  
14 for him?  
15       MS. STARTS: No.  
16       BY MR. DICELLO:  
17       **Q Do you understand that when something like this**  
18 **happens, the medical staff kind of has their own paperwork**  
19 **that they fill out about what happened?**  
20       A I do.  
21       **Q And do you understand that there's a health**  
22 **services administrator at the jail?**  
23       A Yes.  
24       **Q The HSA?**

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1       A Yes.  
2       **Q Is it your understanding that that's one of the**  
3 **people that is kind of administratively in charge of the**  
4 **medical personnel?**  
5       A Yes.  
6       **Q The HSA completed an incident report as well in**  
7 **this case. And the HSA says something to the effect that,**  
8 **you know, prior to the injection being administered, that**  
9 **the patient, they refer to him as a patient, that the**  
10 **patient was being restrained in a prone position by**  
11 **several correctional officers. Is that consistent with**  
12 **your recollection of what happened?**  
13       MR. PREGON: Objection.  
14       Go ahead.  
15       A Yes.  
16       BY MR. DICELLO:  
17       **Q Do you remember why it was or do you know why**  
18 **it was that Mayes replaced Medic Stockhauser near**  
19 **Mr. Richardson's head?**  
20       A No.  
21       **Q When Medic Stockhauser got up to move away from**  
22 **the head, did he provide any instructions to anybody?**  
23       A No.  
24       **Q Did you ever see anybody's knee on**

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<p>1 Mr. Richardson's back or neck?</p> <p>2 A No.</p> <p>3 Q I remember what it was. Prior to</p> <p>4 Mr. Richardson's incident, had you ever participated in an</p> <p>5 episode where someone was maintained in the position</p> <p>6 Mr. Richardson was maintained in with his hands cuffed</p> <p>7 behind his back for that length of time?</p> <p>8 A No.</p> <p>9 Q Since Mr. Richardson's death, have you ever</p> <p>10 participated in a restraint situation where officers</p> <p>11 restrained somebody with their hands cuffed behind their</p> <p>12 back in a position similar to Mr. Richardson for that</p> <p>13 length of time?</p> <p>14 A No.</p> <p>15 Q The situations that you've been involved in in</p> <p>16 the jail where you've had to put somebody, and you</p> <p>17 mentioned some of them, on their belly with their hands</p> <p>18 cuffed behind their back, how long, other than</p> <p>19 Mr. Richardson's situation, what's the longest time you've</p> <p>20 ever maintained somebody in that position?</p> <p>21 MR. PREGON: Object to form.</p> <p>22 A Honestly, I honestly don't know. It depends on</p> <p>23 how soon they cooperate with us or cooperate with what</p> <p>24 we're trying to accomplish, whether that be putting them</p> <p style="text-align: right;">Page 78</p>	<p>1 position Mr. Richardson was in for as long as 22 minutes</p> <p>2 ever before other than Mr. Richardson; correct?</p> <p>3 MR. PREGON: Object to form.</p> <p>4 Go ahead.</p> <p>5 A No, I have not.</p> <p>6 BY MR. DICELLO:</p> <p>7 Q Have you ever done it, maintained somebody in</p> <p>8 that position for as long as ten minutes, do you think?</p> <p>9 MR. PREGON: Object to form.</p> <p>10 Go ahead.</p> <p>11 A Not to my knowledge.</p> <p>12 BY MR. DICELLO:</p> <p>13 Q Have you ever maintained somebody in that</p> <p>14 position for as long as five minutes, do you think?</p> <p>15 MR. PREGON: Object to form.</p> <p>16 Go ahead.</p> <p>17 A I would say yes.</p> <p>18 BY MR. DICELLO:</p> <p>19 Q So it sounds to me like other than the</p> <p>20 Richardson situation, it sounds to me like you've been</p> <p>21 involved in situations where you've had people on their</p> <p>22 belly with their hands cuffed behind their back for maybe</p> <p>23 as long as between five and ten minutes, but no longer</p> <p>24 than that; is that fair?</p> <p style="text-align: right;">Page 80</p>
<p>1 in the chair or, you know, coming out of a medical</p> <p>2 emergency.</p> <p>3 BY MR. DICELLO:</p> <p>4 Q Okay.</p> <p>5 A Or, you know, just cooperating with us in</p> <p>6 general after we're explaining -- you know, when we take</p> <p>7 them into a cell, when we lay them down on their stomach</p> <p>8 to remove cuffs, from somebody coming from receiving,</p> <p>9 we'll explain to them, we're going to take your cuffs off,</p> <p>10 you need to put your arms down to your side, you need to</p> <p>11 stay there until the door shuts. We have inmates that</p> <p>12 we'll explain that to them and they'll say, okay, as soon</p> <p>13 as you take the cuffs off we're going to jump up. So that</p> <p>14 prolongs the time that it takes that he would be on his</p> <p>15 stomach or in the prone position, because we're going to</p> <p>16 have to explain that again. And usually a sergeant is</p> <p>17 going to come in at that point. They're going to be at</p> <p>18 the incident, but they're going to come in and explain,</p> <p>19 listen, you need to listen to what they're telling you.</p> <p>20 If you don't, you're going to get pepper sprayed, tased,</p> <p>21 we're going to put you in the chair, you know, if you</p> <p>22 don't follow the orders that they're telling you to do.</p> <p>23 Q So I'm trying to -- Maybe I can help. But you</p> <p>24 told me that you've never maintained somebody in the</p> <p style="text-align: right;">Page 79</p>	<p>1 MR. PREGON: Object to form.</p> <p>2 Go ahead.</p> <p>3 A Sometimes, yes.</p> <p>4 BY MR. DICELLO:</p> <p>5 Q Ever been involved in any other situations</p> <p>6 where a member of the community died where you were</p> <p>7 restraining them?</p> <p>8 A No.</p> <p>9 Q This is the only one?</p> <p>10 A Yes.</p> <p>11 Q Have you ever heard of any other situations</p> <p>12 where, while you've been employed at the Montgomery County</p> <p>13 Jail, where a detainee died while being restrained?</p> <p>14 A No.</p> <p>15 MR. PREGON: Objection.</p> <p>16 BY MR. DICELLO:</p> <p>17 Q Have you ever had anybody die in the restraint</p> <p>18 chair at Montgomery County Sheriff's Office while you've</p> <p>19 been there?</p> <p>20 A To my knowledge, no.</p> <p>21 Q Those are all the questions I have. I</p> <p>22 appreciate you coming in. Thank you.</p> <p>23 MR. PREGON: And we'll read.</p> <p>24 - - -</p> <p style="text-align: right;">Page 81</p>

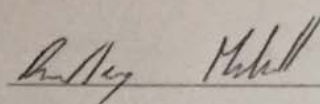
<p>1 (Signature not waived.)</p> <p>2 - - -</p> <p>3 And, thereupon, the deposition was concluded at</p> <p>4 5:04 p.m.</p> <p>5 - - -</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">Page 82</p>	<p>1 State of _____</p> <p>2 County of _____</p> <p>3 I, BRADLEY MARSHALL, do hereby certify that I</p> <p>4 have read the foregoing transcript of my deposition given</p> <p>5 on December 9, 2015; that together with the correction</p> <p>6 page attached hereto noting changes in form or substance,</p> <p>7 if any, it is true and correct.</p> <p>8 _____</p> <p>9 BRADLEY MARSHALL</p> <p>10 I do hereby certify that the foregoing transcript</p> <p>11 of the deposition of BRADLEY MARSHALL was submitted to the</p> <p>12 witness for reading and signing; that after he had stated</p> <p>13 to the undersigned Notary Public that he had read and</p> <p>14 examined his deposition, he signed the same in my presence</p> <p>15 on the ____ day of _____, 2015.</p> <p>16 _____</p> <p>17 Notary Public</p> <p>18 My Commission Expires on _____</p> <p>19 - - -</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">Page 84</p>
<p>1 December 29, 2015</p> <p>2 Dear Mr. Marshall,</p> <p>3 You have chosen to read and sign your transcript.</p> <p>4 Please do not mark on the transcript. Any</p> <p>5 corrections/changes you may desire to make in your</p> <p>6 testimony should be typewritten or printed on the errata</p> <p>7 sheet at the end of testimony, giving the page number,</p> <p>8 line number and desired correction/change. After you have</p> <p>9 read the transcript, sign your name on the correction</p> <p>10 sheet and where indicated at the close of testimony before</p> <p>11 a notary public.</p> <p>12 The Rules of Civil Procedure allow thirty days for</p> <p>13 you to read and sign. Please return the signature page</p> <p>14 and errata sheet to Whitney Layne, 6723 Cooperstone Drive,</p> <p>15 Dublin, Ohio 43017 within that time. Failure to do so in</p> <p>16 the allotted time will result in your transcript being</p> <p>17 used as though read and signed by you.</p> <p>18</p> <p>19 Sincerely,</p> <p>20 _____</p> <p>21 Whitney Layne</p> <p>22 Professional Reporter</p> <p>23</p> <p>24 Cc:</p> <p>Nick DiCello</p> <p>Carrie Starts</p> <p>Jamey Pregon</p> <p style="text-align: right;">Page 83</p>	



1 State of Ohio

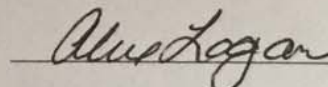
2 County of Montgomery

3 I, BRADLEY MARSHALL, do hereby certify that I  
4 have read the foregoing transcript of my deposition given  
5 on December 9, 2015; that together with the correction  
6 page attached hereto noting changes in form or substance,  
7 if any, it is true and correct.

8 

9 BRADLEY MARSHALL

10 I do hereby certify that the foregoing transcript  
11 of the deposition of BRADLEY MARSHALL was submitted to the  
12 witness for reading and signing; that after he had stated  
13 to the undersigned Notary Public that he had read and  
14 examined his deposition, he signed the same in my presence  
15 on the 28 day of JANUARY, 2015.2016

16 

17 Notary Public

18 My Commission Expires on 3/29/2017

19 - - -



ALICE LOGAN  
Notary Public, State of Ohio  
My Commission Expires  
March 29, 2017  
Recorded in Warren County

1 TO THE REPORTER:

2 I have read the entire transcript of my deposition taken  
3 on the 28<sup>th</sup> day of January, 2016, or the same has been  
4 read to me. I request that the following changes be  
5 entered upon the record for the reasons indicated.

6  
7 Page Line Correction and reason therefore

8 \_\_\_\_\_  
9 \_\_\_\_\_  
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23 Date 1/28/2016 Signature RW MWH

24 \_\_\_\_\_

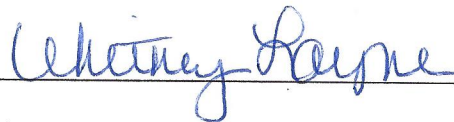


CERTIFICATE

State of Ohio :  
County of Franklin:

I, Whitney Layne, Notary Public in and for the  
State of Ohio, duly commissioned and qualified, certify  
that the within named BRADLEY MARSHALL was by me duly  
sworn to testify to the whole truth in the cause  
aforesaid; that the testimony was taken down by me in  
stenotype in the presence of said witness; afterwards  
transcribed upon a computer; that the foregoing is a true  
and correct transcript of the testimony given by said  
witness taken at the time and place in the foregoing  
caption specified.

IN WITNESS WHEREOF, I have set my hand and  
affixed my seal of office at Dublin, Ohio, on this 29th  
day of Decemer, 2015.



Whitney Layne, Notary Public

In and for the State of Ohio

My Commission expires May 4, 2020

A				C
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